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Written statement* submitted by the Maat for Peace, Development and Human Rights Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2018]

* Issued as received, in the language(s) of submission only.

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Please recycle

Labor in the state of Qatar: A contemporary form of slavery

Slavery in international charters and Arab legislation

The International Covenants on Human Rights prohibit slavery in all its forms. Article 4 of the Universal Declaration of Human Rights states that "No one shall be held in slavery or servitude, and slavery and the slave trade shall be prohibited in all their forms". The International Court of Justice emphasized that the protection of the individual against slavery is one of the most important obligations of the State under the human rights system and constitutes a state obligation towards the international community, as well as the UN Convention against Transnational Organized Crime For the year 2000 and its supplementary Protocol on the Prevention and suppression of trafficking in persons, especially Women and children, 2003[1].

At the Arab level, the criminalization of slavery was delayed, owing to the subjection of the Arab States to European colonization until the mid-nineteenth century, the Arab Charter on Human Rights of 2004 affirms, through article 10.1, that ""All forms of slavery and trafficking in human beings are prohibited and are punishable by law. No one shall be held in slavery and servitude under any circumstances".

In the same vein, in the Penal Code No. 11 of 2004, the Qatari legislator has criminalized and punished the treatment of slavery, article 321 of which stipulates that *"Whoever brings into or takes out of Qatar a person as a slave, or buys, sells, or donates a person as a slave, shall be liable to imprisonment of a term not exceeding seven years. And whoever, traffics, offers or gives as a gift or disposes of any person as a slave."*

Unfortunately, criminalization in Qatari law does not include the slave trade within the meaning of the Slavery Convention, which defines the slave trade under article 1.1 as *" The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves"* .

This means that acts of the slave trade within the meaning of the International Convention are not criminalized under Qatari law, with the exception of acts of entering or removing a person from Qatar for the purpose of slavery, either being imprisoned or detained or prevented from returning to his country without permission, or being exploited by any form of exploitation, which are not criminal offences, Slave trafficking is not considered under Qatari law[2] .

Expatriate workers and Slavery in Qatar

Qatar has been recruiting nearly 1 million workers for 10 years from 2012 to 2022, in order to prepare the infrastructure for the construction of stadiums for the 2022 World Cup, and according to the International Trade Union Confederation, about 1.8 million of the era slaves will be deployed in a diameter before the World Cup 2022.

The British newspaper "The Daily Mirror", as a result of an inquiry conducted in Qatar, revealed the appalling exploitation of migrant workers forced to live in deplorable conditions, and the newspaper explained that Qatar was accused of forcing 1,200 people to work to death in order to prepare for the 2022 World Cup, with an estimated salary of less than 1$ for half an hour, some do not receive wages or salaries for months, and there are no conditions for the safety of poor workers, with their presence in camps that do not fit as human habitation and do not enjoy healthy or decent living conditions.

According to Amnesty International, one third of the workers in Qatar's World Cup stadiums were not paid in full for months, there are always discounts on the most trivial reasons, salaries are not paid regularly, and sometimes the worker has to work 6 months before receiving his first salary.

In addition, workers cannot leave Qatar without the permission of the guarantor, and in Qatar there are no complaints mechanisms and effective compensation or redress for migrant workers, in addition to the fact that the Qatari labor law excludes domestic workers, who are always subjected to verbal, physical and sometimes sexual abuses, and as some women workers are not allowed to speak to strangers, many of whom do not receive weekly leave, they are confined to the homes in which they work.

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[1] Mohammed Nawaf Al-Fua'rah, slavery in his new dress: between international interdiction and national criminalization, comparative study, Sharia and Law, vol. 42, No. 3, 2015.

[2] Same as the previous source.

In the wake of these extensive violations by Qatar of workers who have become slaves, the International Confederation of Trade Unions described in its report on Qatar and its approach to the employment file as a slavery state, and it is expected that at least 4,000 workers will die by 2022, quoting the Secretary-General of the International Trade Union Confederation, "Sharan Burrow", "they have not discovered the worst yet". Sharan Burrow " accused the world involved in a conspiracy of silence on the vast slave market run by Qatar, which Named "2022 World Cup[3]."
In October 2016, the Dutch trade union threatened to sue FIFA for human rights violations in relation to Qatar's World Cup, noting that thousands of Bangladeshi workers want to bring FIFA to justice.
The trade union stated that it wanted to file a lawsuit on behalf of "Nadim Shariful Alam" from Bangladesh, aged 31, a member of the International section of the trade union, brought to Qatar, and paid approximately 4,000 euros, where he worked in Qatar in the area of ship unloading year and a half, and lived together for thousands of others like "Modern Slave."
Despite all the complaints about the employment situation in Qatar, Qatari authorities continue to exercise violations against workers, do not take a fair stand and continue to face various forms of exploitation, and in a move that contradicts the claims of Qatar that they want to put an end to the exploitation of labor-as well as the main principles of International Labor Organization on labor rights. The Government reiterated that only Qatari citizens are allowed to form and join associations and trade unions, thus preventing foreign workers from negotiating collectively to improve their poor working conditions[4].

Recommendations

1. The United Nations and its organs

- Provide contact with a competent and independent authority that protects persons exposed to contemporary forms of slavery and enables them to obtain adequate compensation.
- Ensure that cases of contemporary forms of slavery are addressed resolutely and effectively, that perpetrators are investigated and prosecuted, and that sanctions are imposed on all those found guilty.
- The international community must ensure that victims of contemporary forms of slavery receive long-term assistance in order to help them to continue their recovery and rebuild their lives.
- The need to develop systematic policies and programmes to ensure that victims of slavery do not return to exploitation again, as well as to ensure that no new victims occur.

Second: The Government of Qatar

- The need to punish slavery through clear and explicit provisions of the Penal Code, or through penal laws criminalizing slavery in all its contemporary forms and patterns, and not merely criminalizing slavery in the traditional form.
- Redefine the definition of slavery in Qatari law, to accommodate all practices that make human being a material commodity and to criminalize physical exploitation in forced labor, prostitution, etc. so as to guarantee the right to a dignified life.
- Ensure adequate employment opportunities and adopt national anti-discrimination legislation to pre-empt any form of slavery.
- Change the Qatari Kafala system, ensuring that workers are allowed to leave the country freely, to change their jobs, to join trade unions, to receive fair remuneration and to be protected from abuse by employers.
- The Qatari legislator must ensure that national laws on the prohibition of contemporary forms of slavery are in conformity with international conventions and standards, so as to provide adequate protection to victims of contemporary forms of slavery.

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[3] Mahmud Hassan, why is the world silent on the crimes of Qatar 2022 IO: Workers living in a nightmare and 4, 000 deaths due to housing and criminal treatment. 18 hours of daily work without vacations. The international trade unions dubbed Doha as the "slave State", published on the seventh Day, 30 May 2017.

[4] May Rom, Qatar finally joins two key human rights treaties - but what does it really mean for migrant workers, Amnesty International, 13June2018.

- Review legislation and policies that prohibit access to justice for persons under slavery or one of its forms and to ensure that they have access to justice in a fair and equitable manner, regardless of their migratory status.
- Provide national mechanisms to address contemporary forms of slavery and to work towards the development of policies and training programmes for the elimination of all contemporary forms of slavery in Qatar.
- Take strict measures against all those who obstruct laws that guarantee the rights of migrant workers, or contribute in one way or another to the exploitation or enslavement of workers.
- A "reparations fund" should be allocated to victims of contemporary forms of slavery, as a form of moral material assistance, as well as the need to provide them with legal assistance and to ensure their fair access to justice.